

## CHAPTER VI—[RESERVED]



## CHAPTER VII—LIBRARY OF CONGRESS

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EDITORIAL NOTE: The regulations in this chapter VII were formerly codified in 44 CFR chapter V.

## PART 701—PROCEDURES AND SERVICES

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AUTHORITY: 2 U.S.C. 136; 18 U.S.C. 1017.

### §701.1 Application for employment.

The Library of Congress is an Excepted Service Legislative Branch agency. As such, it has its own independent merit system, and applicants

do not need Civil Service status to apply for its positions. The Library has a wide range of clerical, technical, and professional positions (the latter being primarily oriented to library operations such as processing, cataloging, and reference, but with some positions in non-librarian occupations such as computer, subject area and research analyst specialists). The Library's Employment Office is located in Room LM-107, James Madison Building, First Street and Independence Avenue, SE., Washington, DC 20540. Information about current employment needs and the procedure for application may be obtained by either visiting this office (Monday-Friday, 8:30 a.m. to 4:30 p.m.), calling during these hours at (202) 287-JOBS, or writing to the above address. A 24-hour recording of general information is available at (202) 287-5295.

[46 FR 48660, Oct. 2, 1981]

### §701.2 Access to Library buildings.

(a) In accordance with the Library's general policy, persons other than staff members may be admitted to the Library buildings and to the various areas therein that are open to the public during the announced hours of public opening. Such persons may be admitted to other areas within the buildings and at other times only in accordance with established access regulations.

(b) Persons having legitimate business in buildings closed to the public may be admitted after identification by responsible officials in the building or by authority as evidenced by a building access pass issued by the Associate Librarian for Management.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48660, Oct. 2, 1981]

### §701.3 Removal of materials from the Library buildings.

No material may be removed from the Library buildings without the proper stamp, pass, or other authorization as prescribed by regulations established by The Librarian of Congress. All property including, but not limited to, suitcases, briefcases, handbags, large envelopes, packages, and office

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equipment may be inspected upon leaving Library buildings in order to prevent the improper removal of property belonging to the U.S. Government.

[51 FR 22073, June 18, 1986]

### § 701.4 Information about the Library.

Information about the activities, program, services, organization, and history of the Library of Congress is provided by the Information Office, which has primary responsibility for responding, or for arranging for other divisions of the Library to respond, to inquiries on these subjects from the public and from representatives of public-information media. Such information is provided through publications and through individual response by telephone, by mail, and in personal conference. For convenience of the public, the office administers information counters in the James Madison and Thomas Jefferson Buildings; its staff answers visitors' inquiries about the Library but does not provide reference service for readers wishing to use the Library's collections. Free publications about the Library and some price publications and facsimiles of famous documents are available at this counter.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 51 FR 22073, June 18, 1986]

### § 701.5 The Library's reading rooms and public use thereof.

(a) All members of the public wishing to use materials from the Library's collections first must obtain a User Card. The Library will issue User Cards, in accordance with established access regulations, to those persons who present a valid photo identification card containing their name and current address. The Library-issued User Card will include the name, digitized photograph, and signature of the user. It must be presented when requesting materials housed in the book stacks or other non-public areas or upon request of a Library staff member. In accordance with Library regulations which prescribe the conditions of reader registration and use of Library materials, presentation of a User Card may be required for entry into certain reading rooms. The Library will main-

tain the information found on the User Cards, including the digitized photograph and other pertinent information, in an automated file for collections security purposes. Access to the automated file shall be limited to only those Library staff whose official duties require access. The automated file shall be physically separated and accessible only from inside the Library.

(b) Materials in the general classified collections of the Library are serviced in the Main and Local History and Genealogy reading rooms (Thomas Jefferson Building), and the Science and Social Science reading rooms (John Adams Building). Special collections, as explained further in subsequent sections, are serviced in the following reading rooms; Archive of Folk Culture, European, Microform, and Rare Book and Special Collections (Thomas Jefferson Building), African and Middle East and Asian (Adams Building), and Geography and Map, Law Library, Manuscript, Motion Picture and Television, Newspaper and Current Periodical, Performing Arts, Prints and Photographs, and Recorded Sound Reference Center (James Madison Memorial Building). Reference and bibliographic assistance is provided by the staff on duty in the reading rooms, to the extent necessary to supplement the reader's prior use of library resources elsewhere and/or to facilitate use of the Library's collections.

[51 FR 22073, June 18, 1986, as amended at 60 FR 34853, July 5, 1995]

### § 701.6 Service of the general collections.

(a) Requests for materials in the general classified collections are submitted by readers on forms provided for that purpose. Available materials so requested are located and delivered to readers by the staff. Subject to specified limitations, materials may be reserved for continued use. Access to the bookstacks is permitted only under regulations established by the Librarian of Congress.

#### (b) Definitions.

(1) *Security* means administration of continuing, effective controls in areas where materials are housed for the purpose of preprocessing or processing, storage, access, or use. These controls

are designed to safeguard against theft, loss, misplacement, or damage from improper use or vandalism and may vary as appropriate to the quality, monetary value, replaceability, fragility, or other special or unusual conditions relating to the materials concerned.

(2) *Library material* means:

(i) Items in all formats (including, but not limited to, books and pamphlets; documents; manuscripts; maps; microfiche, microfilms, and other microforms; motion pictures, photographs, posters, prints, drawings, videotapes, and other visual materials; newspapers and periodicals; recorded discs, tapes, or audio/video/digital materials in other formats) either in the collections of the Library of Congress or acquired for and in process for the Library's collections;

(ii) Objects such as musical instruments, printing blocks, copper engraving plates, paintings, and scrolls, and

(iii) Control files, which are manual or automated files essential to the physical or intellectual access to Library materials, such as catalogs, computer tapes, finding aids, and shelflists. These include items that are acquired as an integral part of Library materials and are accessioned into the collections with them permanent inventory records, public catalogs, and other finding aids.

(3) *Security-controlled environment* means, but is not limited to: general and special reading rooms and research facilities where materials are issued under controlled circumstances for use of readers; the bookstacks and other storage facilities where materials are housed when not in use; and work areas where materials are held temporarily for processing.

(c) *General policy for use of Library materials.* Materials retrieved for readers' use shall be used only in assigned reading rooms or research facilities. Use elsewhere in Library buildings requires specific authorization from designated staff members of the custodial unit. Use of materials assigned to reference collections shall be in accordance with established regulations. To minimize the risk of theft, loss, or damage when the materials are removed from designated storage areas,

the conditions of availability and use will vary as appropriate to the quality of materials, their monetary value, replaceability, format, physical condition, and the purpose for which they are to be circulated—reader use within the Library, exhibits, preservation, photoduplication, or loan outside the Library. Unless otherwise specified by Library regulations, and/or legal or contractual obligations, the conditions and procedures for use of materials, including duplication, either inside or outside of the Library buildings, shall be determined by or in consultation with the unit head responsible for the custody of the material used.

(1) Any material removed from the security-controlled environment of a reading room or storage area, and meeting the established criteria must be charged as an internal or external loan through the Loan Division, in accordance with established loan regulations. The security of in-process material, and special collections material not meeting the criteria of these regulations, is the responsibility of the division chief or equivalent Library officer with physical control of the material. That division shall determine whether or not a Loan Division internal charge must be created when an item is removed for use. If a Loan Division record is not created, the division shall create and maintain a local record until the item is returned.

(2) When the period of use is completed, all materials shall be returned immediately to the custodial unit to be placed in designated shelf or other locations in assigned storage areas. Charge records for the returned materials shall be removed from the charge files.

(d) *Penalties.* Readers who violate established conditions and/or procedures for using material are subject to penalties to be determined by or in consultation with the unit head responsible for the custody of the material used.

(1) When a reader violates a condition and/or procedure for using material, the division chief or head of the unit where the infraction occurred may, upon written notification, deny further access to the material, or to the unit in which it is housed, to be determined by

the nature of the infraction and the material involved.

(2) Within five workdays of receipt of such notification, the reader may make a written request, including the reasons for such request to the Associate Librarian for that service unit, or his/her designee, for a reconsideration of said notification.

(3) The Associate Librarian for that service unit, or his/her designee, shall respond within five workdays of receipt of such request for reconsideration and may rescind, modify, or reaffirm said notification, as appropriate.

(4) Repeated violations of established conditions and/or procedures for using material may result in denial of further access to the premises and further use of the Library's facilities or revocation of the reader's User Card, in accordance with established access regulations.

(5) Mutilation or theft of Library property also may result in criminal prosecution, as set forth in 18 U.S.C. 641, 1361, and 2071; and 22 D.C. Code 3106.

(6) In certain emergency situations requiring prompt action, the division chief or head of the unit where the infraction occurred immediately may deny further access to the material or unit prior to making written notification action. In such cases, the reader shall be notified, in writing, within three days of the action taken and the reasons therefor. The reader then may request reconsideration.

(7) A copy of any written notification delivered pursuant to this part shall be forwarded to the Captain, Library Police, the service unit, and the Director, Integrated Support Services, for retention.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 51 FR 22073, June 18, 1986; 60 FR 34853, July 5, 1995]

#### **§ 701.7 Reference and bibliographic assistance.**

(a) Reference and bibliographic services provided in response to requests from readers and requests received by telephone and by mail are governed by policies and regulations established by the Librarian of Congress.

(b) Readers requiring reference and bibliographic assistance in the general

collections and aid in the use of the catalogs may request help from the staff on duty in the general reading rooms. Requests for such assistance in special collections are referred to the appropriate specialized division and reading rooms.

(c) Reference inquiries and requests for service which cannot be satisfied by other libraries or scholarly institutions nearer the inquirer may be submitted to the Library of Congress, which will respond to them insofar and on such conditions as available staff and facilities permit.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48661, Oct. 2, 1981]

#### **§ 701.8 Special study facilities.**

Special study facilities and reserved shelves are available for assignment to persons engaged in research. Applications for such assignments are acted upon by the Chief of the General Reading Rooms Division or by other authorized officials, and assignments on approved applications are made on specified conditions of registration, tenure, and use.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48661, Oct. 2, 1981]

#### **§ 701.9 Loans of library materials.**

The Library of Congress is not a public circulating library and no material in its collections may be taken from the Library buildings except upon approval by the Chief of the Loan Division. Members of Congress, heads of executive departments, and other statutory borrowers, however, have the privilege of withdrawing books by virtue of their office. Subject to regulations and conditions established by The Librarian of Congress, special permission to withdraw materials may be given to congressional staff. Applications for such privilege are acted upon by the Chief of the Loan Division, who is responsible for the interpretation and enforcement of the regulations governing loans. Except for Members of Congress, heads of executive departments, and others authorized by the Librarian to have materials assembled and delivered to them, persons having the borrowing privilege must present

materials to be borrowed to the Loan Division for recording and for issuance of a door pass. Borrowers must present the materials for inspection to the guards on duty at the exits to the Library buildings. Materials are issued on interlibrary loan to other libraries within and outside the District of Columbia under regulations established by the Librarian of Congress. Applications from established libraries for such loans, and requests for information about interlibrary loans and loan service, generally, should be directed to the Chief of the Loan Division.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48661, Oct. 2, 1981; 51 FR 22073, June 18, 1986]

**§ 701.10 Loans of library materials for blind and other physically handicapped persons.**

(a) *Program.* In connection with the Library's program of service under the Act of March 3, 1931 (46 Stat. 1487), as amended, its National Library Service for the Blind and Physically Handicapped provides books in raised characters (braille), on sound reproduction recordings, or in any other form, under regulations established by the Librarian of Congress. The National Library Service also provides and maintains reproducers for such sound reproduction recordings for the use of blind and other physically handicapped residents of the United States, including the several States, Territories, Insular Possessions, and the District of Columbia, and American citizens temporarily domiciled abroad.

(b) *Eligibility criteria.* (1) The following persons are eligible for such service:

(i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.

(ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

(iii) Persons certified by competent authority as unable to read or unable

to use standard printed material as a result of physical limitations.

(iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

(2) In connection with eligibility for loan services "competent authority" is defined as follows:

(i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.

(ii) In the case of reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

(c) *Loans through regional libraries.* Sound reproducers are lent to individuals and appropriate centers through agencies, libraries, and other organizations designated by the Librarian of Congress to service specific geographic areas, to certify eligibility of prospective readers, and to arrange for maintenance and repair of reproducers. Libraries designated by the Librarian of Congress serve as local or regional centers for the direct loan of such books, reproducers, or other specialized material to eligible readers in specific geographic areas. They share in the certification of prospective readers, and utilize all available channels of communication to acquaint the public within their jurisdiction with all aspects of the program.

(d) *National collections.* The Librarian of Congress, through the National Library Service for the Blind and Physically Handicapped, defines regions and determines the need for new regional libraries in cooperation with other libraries or agencies whose activities are



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primarily concerned with the blind and physically handicapped. It serves as the center from which books, recordings, sound reproducers, and other specialized materials are lent to eligible blind and physically handicapped readers who may be temporarily domiciled outside the jurisdictions enumerated by the Act. It maintains a special collection of books in raised characters and on sound reproduction recordings not housed in regional libraries and makes these materials available to eligible borrowers on interlibrary loan.

(e) *Institutions.* The reading materials and sound reproducers for the use of blind and physically handicapped persons may be loaned to individuals who qualify, to institutions such as nursing homes and hospitals, and to schools for the blind or physically handicapped for the use of such persons only. The reading materials and sound reproducers may also be used in public or private schools where handicapped students are enrolled; however, the students in public or private schools must be certified as eligible on an individual basis and must be the direct and only recipients of the materials and equipment.

(f) *Musical scores.* The National Library Service also maintains a library of musical scores, instructional texts, and other specialized materials for the use of the blind and other physically handicapped residents of the United States and its possessions in furthering their educational, vocational, and cultural opportunities in the field of music. Such scores, texts, and materials are made available on a loan basis under regulations developed by the Librarian of Congress in consultation with persons, organizations, and agencies engaged in work for the blind and for other physically handicapped persons.

(g) *Veterans.* In the lending of such books, recordings, reproducers, musical scores, instructional texts, and other specialized materials, preference shall be at all times given to the needs of the blind and other physically handicapped persons who have been honorably discharged from the Armed Forces of the United States.

(h) Inquiries for information relative to the prescribed procedures and regulations governing such loans and re-

quests for loans should be addressed to: Director, National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, DC 20542.

[39 FR 20203, June 7, 1974, as amended at 46 FR 48661, Oct. 2, 1981]

### **§ 701.11 Lending of materials from the Library for exhibition.**

Subject to special conditions and procedures determined by the Library, certain materials in the Library's collections are available for loan to recognized institutions, such as libraries and museums, with established exhibition programs and with staffs proficient in handling the particular material requested. This service is subject to limitations in terms of the character of the materials and the availability of staff to prepare materials for shipment. Each request for loan is judged on its particular merits, i.e., type of institution and program for which loan is proposed in relation to the importance and value, both monetary and intrinsic, of the material requested and the probability of its being replaceable in the event of loss. Communications concerning the lending of materials for exhibition should be addressed to the Exhibits Officer, Library of Congress, Washington, DC 20540.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973]

### **§ 701.12 Photoduplication service.**

Photocopies of materials in the Library's general and special collections may be obtained from the Library's Photoduplication Service at prevailing rates and subject to prescribed contract provisions, provided that they are not subject to copyright or other restrictions, or provided that permission to copy has been obtained. Order forms for photocopies may be secured from the Photoduplication Service, Library of Congress, Washington, DC 20540.

[35 FR 10588, June 30, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973]

### **§ 701.13 Service of African and Middle Eastern materials.**

(a) Services to readers in the African and Middle Eastern Division are provided in accordance with prescribed

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conditions of use of materials in the custody of the division: materials written or printed in Arabic, Hebrew, Persian, Turkish, Yiddish, etc.

(b) Readers requiring reference and bibliographic assistance in the general areas of African and Middle Eastern studies are assisted in the African and Middle Eastern Division's three component sections: African, Hebraic, and Near East, each of which maintains a reference collection and pertinent bibliographic tools. Reference service on special materials of interest to African and Middle Eastern studies (except law) is provided by the divisions holding such materials, as identified in § 701.5. In the fields of science and technology, reference and bibliographic services are provided by the Science and Technology Division.

[51 FR 22073, June 18, 1986]

#### § 701.14 Service of Asian materials.

(a) Services to readers in the Asian Division are provided in accordance with prescribed conditions of use of materials in the custody of the division: materials written or printed in Bengali, Burmese, Chinese, Hindi, Indonesian, Japanese, Korean, Thai, Urdu, Vietnamese, etc.

(b) Readers requiring reference and bibliographic assistance in the general areas of Asian studies are assisted in the Asian Division's three component sections. Reference service on special materials of interest to Asian studies (except law) is provided by the divisions holding such materials, as identified in § 701.5. In the fields of science and technology, reference and bibliographic services are provided by the Science and Technology Division.

[51 FR 22073, June 18, 1986]

#### § 701.15 Service of European materials.

(a) Services to readers in the European Division are provided in accordance with prescribed conditions of use of the materials in the custody of the European Division: Unbound serials and newspapers, (with the exception of those assigned to the Law Library), written or printed in any of the Slavic languages and in Estonian, Latvian, and Lithuanian. Readers requesting reference and bibliographic assistance

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on European materials classified in the general collections are assisted by staff on duty in the general reading rooms, or in the European Reading Room, which maintains a reference collection and pertinent informational files.

(b) The professional staff of the European Division renders reference and bibliographic services pertaining to the cultural, political, social, and economic life of Albania, Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, The Netherlands, Norway, Poland, Romania, San Marino, the Soviet Union, Sweden, Switzerland, the Vatican City, and Yugoslavia. Reference service on special materials of interest to European studies (except law) is provided by the divisions holding such materials, as identified in § 701.5. In the fields of science and technology, reference and bibliographic services are provided by the Science and Technology Division.

[51 FR 22073, June 18, 1986]

#### § 701.16 Service of folklife materials.

(a) The American Folklife Center renders specialized reference, bibliographic and consulting services pertaining to "preserving and presenting" folk cultural traditions in the United States. The Center is not a grant-giving agency but concentrates on varied services to the field—coordination of folk cultural activities, local, state, Federal and at the Library of Congress; field projects, technical and consultant services; research and archival service; and publications, exhibits and live presentations designed to disseminate ideas and materials pertaining to American folk culture.

(b) The Center's Archive of Folk Song provides reference and referral services concerning folklife and ethnomusicology by telephone, through correspondence, and directly to readers in the Archive's Reading

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Room on the Library's pertinent collection of books, periodicals, recordings, manuscripts, etc. Printed descriptions of the Archive's published reference and findings aids, recordings, intern program, and other services, are available from the Archive of Folk Culture, Library of Congress, Washington, DC 20540.

[46 FR 48663, Oct. 2, 1981, as amended at 51 FR 22073, June 18, 1986]

### **§ 701.17 Service of Hispanic materials.**

(a) Readers requesting reference and bibliographic assistance on hispanic materials classified in the general collections may consult staff on duty in the general reading rooms, or in the Hispanic Reading Room, which maintains a reference collection and pertinent informational files.

(b) The professional staff of the Hispanic Division renders reference and bibliographic services pertaining to the cultural, political, social and economic life of Spain, Portugal, and the countries of Latin America and the Caribbean, as well as for materials pertaining to the social and cultural life of Hispanics in the United States. Reference service on special materials of interest to Hispanic studies (except law) is provided by the divisions holding such materials, as identified in § 701.5. In the fields of science and technology, reference and bibliographic services are provided by the Science and Technology Division.

[51 FR 22074, June 18, 1986]

### **§ 701.18 Service of legal materials.**

(a) Legal materials are served in the reading room of the Law Library in the James Madison Building. Those volumes which are not on the open shelves may be obtained for reading room use by filling out and presenting to a reference assistant a slip provided for the purpose.

(b) The collections of the Law Library are available in part, for use outside the Library for a limited period, to authorized borrowers in Washington, DC, and through interlibrary loan to the general public residing in other parts of the country, in conformity with Loan Division procedures. Books which are lent for use outside of the

Law Library must be charged in the Law Library. Books which are lent for use outside the Library building must be charged in the Loan Division, where a formal charge is made and a door pass is issued.

[46 FR 48662, Oct. 2, 1981]

### **§ 701.19 Service of local history and genealogical materials.**

Readers requesting reference and bibliographic assistance on materials in local history and genealogy may consult the staff in the Local History and Genealogy Room.

[46 FR 48662, Oct. 2, 1981]

### **§ 701.20 Service of manuscript materials.**

(a) Services to readers in the Manuscript Reading Room are provided in accordance with prescribed conditions of reader registration and use of the materials in the custody of the Manuscript Division. The use of such materials is restricted to the Manuscript Reading Room.

(b) The professional staff of the Manuscript Division renders reference and bibliographic services pertaining to its collections by telephone, through correspondence, and directly to adult readers in the Manuscript Reading Room.

[51 FR 22074, June 18, 1986]

### **§ 701.21 Service of maps and cartographic materials.**

(a) Services to readers in the Geography and Map Reading Room are provided in accordance with prescribed conditions of reader registration and use of the maps, atlases and globes in the custody of the Geography and Map Division. The use of such materials is restricted to the Geography and Map Reading Room.

(b) The professional staff of the Geography and Map Division renders reference and bibliographic services pertaining to its collections by telephone, through correspondence, and directly to adult readers in the Geography and Map Reading Room.

[51 FR 22074, June 18, 1986]

**§ 701.22 Service of microfilmed materials.**

(a) Service to readers in the Microform Reading Room is provided in accordance with prescribed conditions governing the use of microfilm and microprint material in the custody of the Microform Reading Room. Investigators may requisition inkprint materials from other collections of the Library for use in the Microform Reading Room, but such requests will be subject to limitations consistent with the care and service of the collections, and with regard for service to readers in other reading rooms.

(b) Other units have custody of microfilmed materials, such as manuscripts, newspapers, music, law, and orientalia, and render service on these materials.

[46 FR 48662, Oct. 2, 1981]

**§ 701.23 Service of motion picture and television materials.**

(a) Services to readers in the Motion Picture and Television Reading Room are provided in accordance with prescribed conditions of reader registration and use of the motion picture film, and videotape materials in the custody of the Motion Picture, Broadcasting and Recorded Sound Division. The use of such materials is restricted to the Motion Picture and Television Reading Room.

(b) The professional staff of the Motion Picture, Broadcasting and Recorded Sound Division renders reference and filmographic services pertaining to its collections by telephone, through correspondence and directly to adult readers in the Motion Picture and Television Reading Room.

[51 FR 22074, June 18, 1986]

**§ 701.24 Service of music materials.**

(a) Services to readers in the Performing Arts Reading Room are provided in accordance with prescribed conditions of reader registration and use of the music materials in the custody of the Music Division. The use of such materials is restricted to the Performing Arts Reading Room.

(b) The professional staff of the Music Division renders reference and bibliographic services pertaining to its

collections, by telephone, through correspondence and directly to adult readers in Performing Arts Reading Room (see also § 701.29).

[51 FR 22074, June 18, 1986]

**§ 701.25 Service of prints and photographs.**

(a) Services to readers in the Prints and Photographs Reading Room are provided in accordance with prescribed conditions of reader registration and use of the collections of fine and historical prints, drawings, photographs, posters, and architectural drawings and photographs, in the custody of the Prints and Photographs Division. The use of such materials is restricted to the Prints and Photographs Reading Room.

(b) The professional staff of the Prints and Photographs Division renders reference and bibliographic services pertaining to its collections, by telephone, through correspondence and directly to adult readers in the Prints and Photographs Reading Room.

[51 FR 22074, June 18, 1986]

**§ 701.26 Service of rare books and special collections.**

(a) Services to readers in the Rare Book and Special Collections Reading Room are provided in accordance with prescribed conditions of reader registration and use of the materials in the custody of the Rare Book and Special Collections Division. The use of such materials is restricted to the Rare Book and Special Collections Reading Room.

(b) The professional staff of the Rare Book and Special Collections Division renders reference and bibliographic services pertaining to its collections by telephone, through correspondence, and directly to adult readers in the Rare Book and Special Collections Reading Room.

(c) Service to readers of the rare books in the custody of the Law Library and the Music Division are subject to similar regulations.

[51 FR 22074, June 18, 1986]

**§ 701.27 Service of scientific and technical materials.**

(a) Readers requesting reference and bibliographic assistance in science and technology may consult the staff on duty in the Science Reading Room. Inquiries are referred when necessary to subject specialists in the Science and Technology Division. A special collection of technical reports is available in the Science Reading Room. Materials on science in the Library's subject-classified collections are also served in the Library's other general reading rooms.

(b) In answering requests for referral service, the Resources Analysis Section of the General Reading Rooms Division compiles names, addresses, telephone numbers, and brief descriptions of appropriate information resources, which may include professional societies, university research bureaus and institutes, Federal and State agencies, industrial laboratories, museums, testing stations, and individual experts as well as more traditional sources of information, such as technical libraries, information and document centers, and abstracting and indexing services.

[51 FR 22074, June 18, 1986]

**§ 701.28 Service of serial materials.**

(a) Services to readers in the Newspaper and Current Periodical Reading Room are provided in accordance with prescribed conditions of use of the collections of current and unbound periodicals, bound, unbound and microfilmed newspapers, Government documents, ephemera, etc. not assigned to other divisions, in the custody of the Serial and Government Publications Division. The use of such materials is restricted to the Newspaper and Current Periodical Reading Room.

(b) The professional staff of the Serial and Government Publications Division renders reference and bibliographic services pertaining to its collections as well as to the government publications in the general classified collections, by telephone, through correspondence and directly to adult readers in the Newspaper and Current Periodical Reading Room.

[51 FR 22074, June 18, 1986]

**§ 701.29 Service of sound recordings.**

(a) Services to readers in the Recorded Sound Reference Center in the Performing Arts Reading Room are provided in accordance with prescribed conditions of reader registration and use of the sound recordings of all kinds (except recordings for the blind) in the custody of the Motion Picture, Broadcasting and Recorded Sound Division. The use of such materials, for serious research only, is restricted to the Performing Arts Reading Room and appointments to use them must be sought in advance by application to the Motion Picture, Broadcasting and Recorded Sound Division.

(b) The professional staff of the Recorded Sound Reference Center renders reference and discographic services pertaining to the collections, by telephone, through correspondence, and directly to adult readers in the Performing Arts Reading Room.

(c) Reference and information pertaining to folk music and ethnomusicology are available from the Archive of Folk Culture, American Folklife Center.

(d) A list of recordings of poetry and folk music issued by the Library of Congress and available for a sale may be obtained from the Public Services Coordinator, Motion Picture, Broadcasting and Recorded Sound Division, Library of Congress, Washington, DC 20540.

[51 FR 22075, June 18, 1986]

**§ 701.30 Cataloging distribution.**

Bibliographic products and services are produced and supplied to the Library of Congress and other libraries by the Cataloging Distribution Service. The Service sells bibliographic data in the form of printed cards, machine-readable tapes (MARC), book catalogs, microfiche catalogs and technical publications to libraries, learned societies, professional institutions, government agencies, private institutions, and cooperative and commercial processing centers. Information may be obtained from the Cataloging Distribution Service, Library of Congress.

[51 FR 22075, June 18, 1986]

**§ 701.31 Library of Congress publications.**

Publications of the Library include guides to its collections and services, catalogs of materials in the Library of Congress and other libraries, lists and descriptions of serials and monographs received, registers of personal papers of American public figures, bibliographies, facsimiles of rare items in its collections, exhibit catalogs, annual reports, acquisitions reports, and various other issuances relating to the Library and its programs. Most of the Library's publications are sold by the Superintendent of Documents, Government Printing Office, Washington, DC 20402. A complete list of available publications, *Library of Congress Publications in Print*, is distributed free by the Central Services Division, Library of Congress, Washington, DC 20540.

[46 FR 48663, Oct. 2, 1981, as amended at 51 FR 22075, June 18, 1986]

**§ 701.32 Offers of materials for purchase.**

The Library solicits offers of library materials (including books, periodicals, pamphlets, manuscripts, maps, views, music, recordings, motion pictures, photographs, posters, prints, etc.). Lists or catalogs offering materials should specify author, title, place of publication, date of publication, whether or not copyrighted, edition note, series note, and number of pages or volumes. Each item must be priced. All offers of materials and all other correspondence concerning the acquisition by purchase of materials for the Library's collections (including invoices, statements, and questions concerning payment for material purchased by the Library) should be addressed to the Library of Congress, Order Division, Washington, DC 20504. Materials should be sent "on approval" unless specifically requested by the Order Division.

[51 FR 22075, June 18, 1986; 51 FR 23537, June 30, 1986]

**§ 701.33 Acquisition of library materials by non-purchase means and disposition of surplus library materials.**

(a) *Acquisition of non-purchase materials.* The Exchange and Gift Division has responsibility for the Library's acquisition of materials by non-purchase means, including exchange, gift and transfer, and other government sources.

(1) *Exchanges.* Official exchanges, numbering about one hundred agreements, are maintained between the Library and official agencies or institutions designated in other countries to send and receive official documents. Agreements for official exchanges stem from multilateral treaties, Executive Agreements, and informal agreements. Sets of U.S. official publications are supplied under these agreements. In addition to official exchanges, general (or non-official) exchanges negotiated on an informal basis are conducted with government agencies at all levels, universities, colleges, museums, libraries, learned organizations and international organizations. (Currently about 15,000 non-official exchanges are in effect throughout the world). The Library sends to these exchange partners selections from its duplicates or current U.S. Government publications. By law (44 U.S.C. 1718 and 1719) the Library is authorized to requisition for use on international exchange up to 125 copies of each U.S. Government publication issued by the Government Printing Office.

(2) *Gift.* The Library solicits gifts from individuals, businesses, foundations, and other organizations throughout the world, including unions, political parties, chambers of commerce, religious groups, etc., that do not enter into exchanges or offer their publications for regular sale. The Library also actively solicits material for its special collections which it would not usually be in a position to purchase, including personal papers, music manuscripts, sound recordings, rare books, fine prints and photographs, etc.

## Library of Congress

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(3) *Government source.* In addition to the documents provided by the Superintendent of Documents for international exchange, the Library is entitled under 44 U.S.C. 1718 to requisition up to 25 copies of each publication issued by the Government Printing Office for use in its own collections. Other laws provide the Library with books for the blind and with publications deposited for copyright. Under a variety of arrangements the Exchange and Gift Division also acquires the official publications of the states, territories, and possessions of the United States for listing in its accessions list, the *Monthly Checklist of State Publications*, and for inclusion in its collections.

(4) *Transfer.* Libraries and other agencies of the Federal Government are encouraged to send to the Library for disposition soft or hard-bound books that are surplus to their needs in the following categories: (1) Novels and (2) Reference works (e.g. encyclopedias, directories, guides, such as Encyclopedia of Associations, The World of Learning, The Stateman's Yearbook, Books in Print, etc.) not older than three years. And not older than five years in: (1) Humanities (art, music, belles letters etc.); (2) History and area studies; (3) Social sciences (economics, politics, etc.); (4) Education; and (5) Science (agriculture, medicine, computer science, mathematics, physics, etc.). Such transferred materials are needed to fill gaps in the Library's holdings, for exchanges, to transfer to other Federal agencies, and to make available through the Surplus Books Program to qualified recipients. The Library's Exchange and Gift Division (E&G) requests notification at the earliest possible date of any government libraries that are scheduled to close or be substantially reduced. The Library also requests that shipments of 1,000 pounds or more be cleared with E&G in advance. The Library does not accept bound and unbound serials. Federal agencies should dispose of surplus serials, and other surplus library materials not specified above, in accordance with their agency's regulations governing the disposal of surplus materials.

(b) *Disposition of surplus books.* The Exchange and Gift Division has avail-

able at all times surplus books not needed by the Library for its own uses. These materials are made available for selection on exchange by eligible institutions, organizations, book dealers, and collections, and by donation to educational institutions (tax-supported or non-profit schools, school systems, colleges, universities, museums, and public libraries), non-profit tax-exempt organizations (section 501 of IRS Code) and public bodies (agencies of local, state, or national governments) in the United States. A public library is defined as "a library that serves free all residents of a community, district, state, or region, and receives its financial support in whole or in part from public funds."

(c) Inquiries concerning the programs relating to the acquisition of materials for the collections of the Library by non-purchase methods and the disposition of surplus materials should be addressed to: Chief, Exchange and Gift Division, Library of Congress, Washington, DC 20540.

[46 FR 35088, July 7, 1981. Redesignated at 46 FR 48663, Oct. 2, 1981, and amended at 51 FR 22075, June 18, 1986; 61 FR 49262, Sept. 19, 1996]

### § 701.34 Contracting officers.

Incumbents of the following positions are authorized to contract for materials and services on behalf of the Library of Congress and to execute contracts in the areas as specified below. The Librarian of Congress may further delegate contracting authority in specific situations.

Library officers	Area of contracting authority
The Librarian of Congress.	All areas.
The Deputy Librarian of Congress.	All areas.
The Associate Librarian of Congress.	All areas.
Associate Librarian for Management.	All areas except materials for the Library's collections.
Director, Congressional Research Service (CRS).	Agreements to procure experts or consultants (including stenographic reporters) pursuant to 2 U.S.C. 166(h)(2).
Assistant Librarian for Research Services.	Performance fees for readings, lectures, dramatic fees, and the Council of Scholars.
Director, Library Environment Resources Office.	Rental/space agreements with Government agencies.

Library officers	Area of contracting authority
Director, Acquisitions and Overseas Operations, Processing Services.	Agreements for bibliographic services.
Director, National Library for the Blind and Physically Handicapped.	Collection materials for the Library's blind and physically handicapped program.
Director of Publishing.	Agreements directly related to publications of the Publishing Office.
Chief, Procurement and Supply Division.	All areas except materials for the Library's collections.
Chief and Assistant Chief, Order Division.	Purchased materials for the Library's collections.
Chief and Assistant Chief, Exchange and Gift Division.	Agreements involving all non-purchase materials for the Library's collections (exchanges, gifts, deposits, and so forth).
Chief, Financial Management Office, and Budget Officer.	Interagency agreements, entertainment, performance of services by the Library and interdepartmental charges.
Chief, Manuscript Division.	Agreements involving the Library's literature programs (nonappropriated funds).
Chief, Music Division.	Agreements involving the Library's music programs (nonappropriated funds).
Exhibits Officer ..... Staff Training and Development Officer.	Agreements involving loans of exhibits. Training agreements with educational institutions.

[52 FR 34383, Sept. 11, 1987]

**§ 701.35 Credit and recognition policy on the use of the library name, seal, or logo.**

(a) *Purpose.*

The purpose of this section is to assure that the Library of Congress is properly and appropriately identified and credited as a source of materials in publications that rely on Library resources, so that the public may know that the resources in its national library are being used productively in fulfillment of its mission.

(b) *Definitions.*

(1) *Publication* means any tangible expression of words or thoughts in any form or format, including print, sound recording, television, optical disc, software, online delivery, or other technology now known or hereinafter created. It includes the whole range of tangible products from simple signs, posters, pamphlets, and brochures to books, television productions, and movies.

(2) *Internal Library publication* means a publication over which any unit of

the Library has complete or substantial control or responsibility.

(3) *Collaborative publications* means those in which any unit of the Library is providing more than routine assistance. The assistance may be pursuant to a formal agreement or may simply be an extensive courtesy.

(4) *Commercial publications* means those known or likely to involve subsequent mass distribution, whether by a for-profit or not-for-profit organization or individual.

(5) *Noncommercial user* means an individual whose publication includes a significant number of Library references, but the intended purpose of which is personal, scholarly, or non-commercial.

(6) *Official Library logo* means any official seal of the Library.

(c) *Credit and recognition policy.*

(1) The name "Library of Congress," or any abbreviation thereof, is used officially to represent the Library of Congress and its programs, projects, functions, activities, or elements thereof. In addition, the Library recognizes that its name may be used informationally by others in publications. Except as provided for in this part, however, the use of the Library's name, explicitly or implicitly to endorse materials in any publication, is prohibited.

(2) The Library of Congress seal symbolizes the Library's authority and standing as an official agency of the U.S. Government. As such, it shall be displayed only on official documents or publications of the Library. The seal of the Library of Congress Trust Fund Board shall be affixed to documents of that body as prescribed by the Librarian of Congress. Procedures governing the use of any other Library of Congress logo are set out in paragraphs (c)(3) through (c)(10) of this section.

(3) Questions regarding the appropriateness of the recognition or credit shall be referred to the Public Affairs Office.

(4) *Internal Publications.* Each internal Library publication shall include a copy of an official Library logo in a position, format, and location suitable to the particular media involved. The logo may be alone or in addition to an approved unit or activity logo, but



shall be no less prominent than any other logo used, except in the cases of the Copyright Office, the Congressional Research Service, and the Center for the Book. Other exceptions to this policy may be made only if a written request is approved by the Management Team member under whose jurisdiction the publication falls.

(5) *Collaborative/Commercial Publications*

(i) Individuals with whom the Library is engaged in a collaborative publication, and individuals requesting assistance for commercial publications, shall be instructed regarding Library policy on credit, recognition, and endorsement by the Library employee with whom they are dealing.

(ii) Ordinarily, the Library logo accompanied by a concise acknowledgment should appear in an appropriate and suitable location on all collaborative and all commercial publications. The Library requires that a credit line accompany reproductions of images from its collections.

(iii) The size, location, and other attributes of the logo and credit line should be positioned in such a way that they do not imply Library endorsement of the publication unless such endorsement is expressly intended by the Library, as would be the case in copublication or coproduction activities. Use of the Library name or logo in any context suggesting an explicit or implicit endorsement may be approved in only those instances where the Library has sufficient expertise to pass judgment on the subject matter, where that expertise has been engaged or applied, and where the terms of the collaborative undertaking are such that the Library has sufficient control over the publication to make changes necessary to reflect Library expertise.

(iv) Library officers working on commercial publication projects shall notify all collaborators of Library policy in writing if the collaboration is arranged through an exchange of correspondence. A statement of Library policy shall be incorporated into the agreement if the terms of the collaboration are embodied in any written instrument, such as a contract or letter of understanding.

(6) *Noncommercial Users.* Staff members assisting individuals who are non-commercial users of Library resources shall encourage them to extend the customary professional courtesy of acknowledging their sources in publications, including films, television, and radio, and to use approved credit lines.

(7) Each product acquired for resale by the Library that involves new labeling or packaging shall bear a Library logo and shall contain information describing the relevance of the item to the Library or its collections. Items not involving new packaging shall be accompanied by a printed description of the Library and its mission, with Library logo, as well as the rationale for operating a gift shop program in a statement such as, "Proceeds from gift shop sales are used to support the Library collections and to further the Library's educational mission."

(8) Each item authorized by the Library pursuant to a licensing agreement (directly or through a third party) shall bear a Library logo and shall contain information describing the relevance of the item to the Library or its collections.

(9) Office Systems Services shall make available copies of the Library seal or logo in a variety of sizes and formats, including digital versions.

(10) Each service unit head shall be responsible for devising the most appropriate way to carry out and enforce this policy.

(d) *Violations.*

(1) All violations or suspected violations of this section or of 18 U.S.C. 1017 shall be reported to the Office of the General Counsel as soon as they become known.

(2) Whenever the General Counsel has determined that any person or organization is engaged in or about to engage in an act or practice that constitutes or will constitute conduct prohibited by this part or a violation of any requirements of this section, the General Counsel shall take whatever action necessary, including seeking the assistance of the U.S. Department of Justice, to obtain injunctive relief or damages.

[59 FR 55812, Nov. 9, 1994]

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**§ 701.36 Use of the Seal of the Library of Congress and the Library of Congress Trust Fund Board.**

(a) The Seal is the official emblem of the Library of Congress and its use is therefore permitted only on official documents or publications of the Library.

(b) The Seal may be used on Library publications, leaflets, brochures, letterhead, or other printed matter prepared as official documents of the Library.

(c) The embossed Seal shall be used primarily to authenticate contracts, agreements, certifications, and other documents signed by The Librarian, or his/her designated representative(s).

(d) With the approval of The Associate Librarian of Congress, the Seal may be used in cooperative programs in which the Library officially engages with other organization(s).

(e) Any other use shall be approved in advance by The Associate Librarian of Congress.

(f) The official Seal of the Library of Congress Trust Fund Board shall be affixed to documents of that body as prescribed by The Librarian of Congress.

(g) Any person or organization that uses the Library Seal or the Seal of the Library of Congress Trust Fund Board in a manner other than as authorized by the provisions of this section shall be subject to the criminal provisions of 18 U.S.C. 1017.

[49 FR 8607, Mar. 8, 1984]

**PART 702—CONDUCT ON LIBRARY PREMISES**

Sec.

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702.15 Penalties.

AUTHORITY: Sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136.

**§ 702.1 Applicability.**

The rules and regulations in this part apply to all Federal property under the charge and control of the Librarian of Congress and to all persons entering in or on such property.

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973]

**§ 702.2 Access to Library buildings and collections.**

Admittance and movement of visitors in Library buildings will be restricted to the areas providing facilities and services to the public during announced hours of public opening. Persons having legitimate business in areas closed to the public may be admitted after identification by responsible officials in the building or by authority as evidenced by a building access pass issued by the Associate Librarian for Management.

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48663, Oct. 2, 1981]

**§ 702.3 Conduct on Library premises.**

(a) All persons using the premises shall conduct themselves in such manner as not to affect detrimentally the peace, tranquility, and good order of the Library. Such persons shall:

(1) Use areas that are open to them only at the times those areas are open to them and only for the purposes for which those areas are intended;

(2) Comply with any lawful order of the police or of other authorized individuals; and

(3) Comply with official signs of a restrictive or directory nature.

(b) All persons using the premises shall refrain from:

(1) Creating any hazard to persons or property, such as by fighting or by throwing or deliberately dropping any breakable article, such as glass, pottery, or any sharp article, or stones or other missiles;

(2) Using Library facilities for living accommodation purposes, such as unauthorized bathing, sleeping, or storage of personal belongings, regardless of the specific intent of the individual;

(3) Engaging in inordinately loud or noisy activities;

(4) Disposing of rubbish other than in receptacles provided for that purpose;

(5) Throwing articles of any kind from or at a Library building or appurtenance;

(6) Committing any obscene or indecent act such as prurient prying, indecent exposure, and soliciting for illegal purposes;

(7) Removing, defacing, damaging, or in any other way so misusing a statue, seat, wall, fountain, or other architectural feature or any tree, shrub, plant, or turf;

(8) Stepping upon or climbing upon any statue, fountain, or other ornamental architectural feature or any tree, shrub, or plant;

(9) Bathing or swimming in any fountain;

(10) Painting, marking or writing on, or posting or otherwise affixing any handbill or sign upon any part of a Library building or appurtenance, except on bulletin boards installed for that purpose and with the appropriate authorization;

(11) Bringing any animal onto Library buildings and turf other than dogs trained to assist hearing or visually impaired persons;

(12) Threatening the physical well-being of an individual; and

(13) Unreasonably obstructing reading rooms, food service facilities, entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots in such manner as to impede or disrupt the performance of official duties by the Library staff or to prevent Library patrons from using or viewing the collections.

(c) Public reading rooms, research facilities, and catalog rooms are designated as nonpublic forums. As such, they shall be used only for quiet scholarly research or educational purposes requiring use of Library materials. All persons using these areas shall comply with the rules in effect in the various public reading rooms, shall avoid dis-

turbing other readers, and shall refrain from, but not limited to,

(1) Eating, drinking, or smoking in areas where these activities are expressly prohibited;

(2) Using loud language or making disruptive noises;

(3) Using any musical instrument or device, loudspeaker, sound amplifier, or other similar machine or device for the production or reproduction of sound, except for devices to assist hearing or visually impaired persons, without authorization;

(4) Interfering by offensive personal hygiene with the use of the area by other persons;

(5) Spitting, defecating, urinating, or similar disruptive activities;

(6) Intentionally abusing the furniture or furnishings in the area;

(7) Intentionally damaging any item from the collections of the Library of Congress or any item of Library property;

(8) Using computing terminals for purposes other than searching or training persons to search the Library's data bases or those under contract to the Library, or misusing the terminals by intentional improper or obstructive searching; and

(9) Using the Library's photocopy machines for purposes other than copying Library materials whenever other persons are waiting in line.

[52 FR 672, Jan. 8, 1987]

#### § 702.4 Demonstrations.

(a) Library buildings and grounds are designated as limited public forums, except for those areas designated as nonpublic forums. However, only Library grounds (defined in 2 U.S.C. 167j), not buildings, may be utilized for demonstrations, including assembling, marching, picketing, or rallying. In addition, as the need for the determination of other matters arises, The Librarian will determine what additional First Amendment activities may not be permitted in a limited public forum. In making such determination, The Librarian will consider only whether the intended activity is incompatible with the primary purpose and intended use of that area.

## § 702.5

(b) The only areas of the Library grounds that are designated for use for demonstrations are the following:

(1) *Thomas Jefferson Building*: The Neptune Plaza and the interior sidewalks on the north and south sides of the building;

(2) *John Adams Building*: The plaza in front of the south entrance to the building; and

(3) *James Madison Building*: The portion of Independence Plaza between the pylons that demarcate the driveway and Independence Avenue, and the western and eastern ends of the plaza beyond the ramps for the handicapped.

(c) Persons seeking to use such designated areas for the purpose of demonstrations shall first secure written permission from the Associate Librarian for Management. An application for such permission shall be filed with the Library Support Services Office no later than three workdays before the time of the proposed demonstration. Permission to demonstrate shall be based upon—

(1) The availability of the requested location and

(2) The likelihood that the demonstration will not interfere with Library operations or exceed city noise limitations as defined by District of Columbia regulations (26 D.C. Reg. 229 and 24 D.C. Reg. 293).

(d) No person(s) having permission to demonstrate pursuant to this Regulation shall at any time block either the entrances to or exits from the Library buildings nor shall such person(s) harass, intimidate, or otherwise interfere with the use of the Library's facilities by persons not participating in the demonstration.

[52 FR 672, Jan. 8, 1987]

## § 702.5 Photographs.

Photographs for advertising or commercial purposes may be taken only with the permission of the Library's Information Officer. Cameras and other photographic equipment may be carried on the premises, but their use in certain areas may be restricted by rules or posted signs. Persons using still, motion picture, or video cameras with flash attachments or lights or with tripods or other stationary equip-

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ment shall obtain the prior permission of the Library's Information Officer.

[52 FR 672, Jan. 8, 1987]

## § 702.6 Gambling.

Participation in any illegal gambling, such as the operation of gambling devices, the conduct of an illegal pool or lottery, or the unauthorized sale or purchase of numbers or lottery tickets, on the premises is prohibited.

[52 FR 673, Jan. 8, 1987]

## § 702.7 Alcoholic beverages and controlled substances.

(a) The use of alcoholic beverages on the premises is prohibited except on official occasions for which advance written approval has been given by the Associate Librarian for Management and except for concessionaires to whom Library management has granted permission to sell alcoholic beverages on the premises.

(b) The illegal use or possession of controlled substances on the premises is prohibited.

[52 FR 673, Jan. 8, 1987]

## § 702.8 Weapons and explosives.

Except where duly authorized by law, and in the performance of law enforcement functions, no person shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, while on the premises.

[52 FR 673, Jan. 8, 1987]

## § 702.9 Use and carrying of food and beverages in Library buildings.

Consumption of food and beverages in Library buildings is prohibited except at point of purchase or other authorized eating places. Under no circumstances may food or beverages be carried to the bookstacks or other areas where there exists significant risk to Library materials or property or where there may result a detraction from the dignity or efficiency of public service.

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973 and 52 FR 672, Jan. 8, 1987]

**§ 702.10 Inspection of property.**

(a) Individuals entering Library buildings do so with the understanding that all property in their possession including, but not limited to, suitcases, briefcases, large envelopes, packages, and office equipment may be inspected.

(b) Upon entering the Library buildings privately owned office machines including but not limited to typewriters, computing machines, stenotype machines, and dictating machines, shall be registered at the guard's desk at the entrance to buildings for the purpose of controlling such equipment.

(c) In the discharge of official duties, Library officials are authorized to inspect Government-owned or furnished property assigned to readers and the general public for their use, such as cabinets, lockers, and desks. Unauthorized property or contraband found in the possession of members of the Library staff, readers, or the general public as a result of such inspections will be subject to confiscation by Library officials.

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973 and 52 FR 672, Jan. 8, 1987]

**§ 702.11 Protection of property.**

(a) Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy library materials, or any portion thereof, shall be punished by a fine of not more than \$2,000 or imprisoned not more than 3 years, or both (18 U.S.C. 641; 18 U.S.C. 1361; 18 U.S.C. 2071; and 22 D.C. Code 3106).

(b) Any person who embezzles, steals, purloins, or, without authority, disposes of anything of value of the United States, or willfully injures or commits any depredation against any Government property shall be punished by a fine of not more than \$10,000 or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. (18 U.S.C. 641 and 18 U.S.C. 1361.)

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973, and amended at 46 FR 48664, Oct. 2, 1981; further redesignated at 52 FR 672, Jan. 8, 1987]

**§ 702.12 Smoking in Library buildings.**

Smoking in Library buildings is prohibited except in those areas specifically designated for this purpose.

[35 FR 19019, Dec. 16, 1970. Redesignated at 38 FR 27049, Sept. 28, 1973 and 52 FR 672, Jan. 8, 1987]

**§ 702.13 Space for meetings and special events.**

The use of "meeting places" in the Library shall be limited to official staff functions, or functions sponsored by the Library. The Library's facilities are not available for meetings, performances or special events that: (a) Involve any organization practicing or promoting discrimination based upon race, religion, color, sex, age, marital status, handicap, national origin, or political affiliation; (b) have a partisan political, sectarian, or similar nature or purpose; (c) are sponsored by profit-making organizations that promote commercial enterprises or commodities.

[46 FR 48664, Oct. 2, 1981. Redesignated at 52 FR 672, Jan. 8, 1987]

**§ 702.14 Soliciting, vending, debt collection, and distribution of handbills.**

(a) The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, the offering or exposing of any article for sale, or the collecting of private debts on the grounds or within the buildings of the Library is prohibited. This rule does not apply to national or local drive for funds for welfare, health, or other purposes sponsored or approved by The Librarian of Congress, nor does it apply to authorized concessions, vending devices in approved areas, or as specifically allowed by the Associate Librarian for Management.

(b) Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Associate Librarian for Management.

(c) Peddlers and solicitors will not be permitted to enter Library buildings unless they have a specific appointment, and they will not be permitted to canvass Library buildings.

[52 FR 673, Jan. 8, 1987]

**§ 702.15 Penalties.**

(a) Persons violating provisions of 2 U.S.C. 167a to 167e, inclusive, regulations promulgated pursuant to 2 U.S.C. 167f, this Regulation, or other applicable Federal laws relating to the Library's property, including its collections, are subject to removal from the premises, to arrest, and to any additional penalties prescribed by law. In instances of mutilation or theft of Library materials or other Library property, prosecution by appropriate authorities shall be in accordance with the provisions of the statutes cited in § 702.11.

(b) Upon written notification by the Associate Librarian for Management, disruptive persons may be denied further access to the premises and may be prohibited from further use of the Library's facilities.

(1) Within three workdays of receipt of such notification, an affected individual may make a written request, including the reasons for such a request, to the Associate Librarian for Management for a reconsideration of said notification.

(2) The Associate Librarian for Management shall respond within three workdays of receipt of such request for reconsideration and may, at his or her option, rescind, modify, or reaffirm said notification.

[52 FR 673, Jan. 8, 1987]

## PART 703—AVAILABILITY OF LIBRARY OF CONGRESS RECORDS

Sec.

703.1 Policy.

703.2 Records covered.

703.3 Exemptions.

703.4 Procedures for inspection and copying of records.

703.5 Public reading facility.

703.6 Fees.

AUTHORITY: 2 U.S.C. 136.

SOURCE: 41 FR 2230, Jan. 15, 1976, unless otherwise noted.

**§ 703.1 Policy.**

Subject to limitations set forth in this part, Library of Congress records are available as hereinafter provided and shall be furnished as promptly as possible within the Library to any

member of the public at appropriate places and times and at an appropriate fee, if any. Although this policy reflects the public information section of the Administrative Procedure Act (5 U.S.C. 552, *et seq.*) as amended, the application of that legislation to the Library of Congress is not to be inferred; nor should this document be considered as conferring on any member of the public a right under that Act of access to or information from the records of the Library.

**§ 703.2 Records covered.**

As used herein, Library of Congress "records" include all books, papers, maps, photographs or other documentary materials exclusive of materials in the collections of the Library of Congress, regardless of physical form or characteristics, made or received by the Library of Congress in pursuance of Federal law or in connection with the transaction of public business, and preserved, or appropriate for preservation, by the Library as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. The term refers only to such items in being and in the possession or under the control of an office of the Library. It does not include records to be compiled or procured in the future, nor does the term include objects or articles, such as furniture, paintings, sculpture, three-dimension models, structures, vehicles, and equipment.

**§ 703.3 Exemptions.**

(a) The Library shall exempt from disclosure materials that are:

(1) Specifically authorized under criteria established by Executive order to be withheld from public disclosure in the interest of national defense or foreign policy and are in fact properly classified pursuant to Executive Order 11652;

(2) Related solely to the internal personnel rules and practices of the Library;

(3) Specifically exempted from disclosure by statute;

(4) Related to copyrights except as provided by 37 CFR 201.2, 203.4 and 203.5;

(5) Privileged or confidential, in that they contain trade secrets and commercial or financial information obtained from any person; this exemption pertains to information which would not customarily be made public by the person from whom it was obtained by the Government. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Government in confidence or where the Government has obligated itself not to disclose information it received; formulate, designs, drawings, research data, and other records developed by or for the Government which are significant as items of valuable property;

(6) Contained in interagency or intragency communications, such as internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by staff or consultants; records of the deliberations of staff or committees on internal matters; and records whose premature disclosure would interfere with the achievement of the purpose for which they were being prepared;

(7) Gathered, prepared, or compiled specifically for the use of the Congress by the Congressional Research Service, the Law Library, or any other subdivision of the Library;

(8) Contained in personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;

(9) Contained in investigative records compiled for law enforcement or in files prepared in connection with Government litigation and adjudicative proceedings, except for those portions of such files which are available by law to persons in litigation with the Library;

(10) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use

of an agency responsible for the regulation or supervision of financial institutions; and

(11) Related to specific reader use of the collections, either in the Library or through lending service.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this section. A portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

[41 FR 2230, Jan. 15, 1976, as amended at 46 FR 48664, Oct. 2, 1981]

#### **§ 703.4 Procedures for inspection and copying of records.**

(a) Requests to inspect or copy, or have copied, the Library's records shall be directed to the Chief, Central Services Division. Upon approval, requests for photocopying of records shall be referred to the Photoduplication Service for processing.

(b) Requests for records not available in the public reading facility (see § 703.6) shall be specific and shall identify the precise records or materials which are desired by name, date, number, or other identifying data sufficient to allow the Central Services Division staff to locate, retrieve, and prepare the record for inspection or copying and to delete exempted matter where appropriate. Blanket or generalized requests (such as "all matters relating to" a general subject) shall not be honored, and shall be returned to the requester.

(c) Records shall be available for inspection and copying in person during the usual business hours.

(d) Records in media other than print (e.g. microforms and machine media) shall be available for inspection in the medium in which they usually exist, and copies of records in machine media shall be made in media of the Library's selection.

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(e) Every effort shall be made to respond to requests with reasonable dispatch. Use of a document by the Library or its staff shall be given precedence over any request. Under no circumstances shall records be removed from the Library's offices.

(f) The Chief of the Central Services Division shall make the initial determination on whether the record described in a request can be identified and located after a reasonable search and, if so, whether the record (or portions thereof) will be made available or will be withheld from disclosure under the provisions of this regulation. In so doing, the Chief shall consult with any division or office in the Library having a continuing substantial interest in the record requested. Where the Chief finds no valid objection or doubt as to the propriety of making the requested record available, the request shall be honored upon payment of the prescribed fees (see § 703.6).

(g) A member of the public who has requested a Library record and has been refused all or part of said record by the Chief, Central Services Division, may request reconsideration by the Chief. The request shall be in writing and include a copy of the initial request as well as the reasons why the requested record, or part thereof, should be made available.

(h) The Chief, Central Services Division, shall reconsider the request and shall grant it or re-affirm the denial with reasons for such. Re-affirmed denials shall be referred to the General Counsel.

(i) The General Counsel shall make the final determination on a request for reconsideration and shall notify the requester thereof, directly, and in writing.

(1) If the final determination reverses in whole or in part the initial determination, the record requested (or portions thereof) shall be made available to the requester.

(2) If the final determination sustains in whole or in part an initial determination, the notification of the final determination shall explain the basis on which the record (or portions thereof) will not be made available.

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Such decision by the General Counsel shall be the final administrative review within the Library of Congress.

[41 FR 2230, Jan. 15, 1976, as amended at 46 FR 48664, Oct. 2, 1981]

### § 703.5 Public reading facility.

(a) The Library shall maintain a reading facility for the public inspection and copying of Library regulations, opinions, statements of policy, and instructions (including staff manuals) which may be relied upon, used, or cited as authority or precedent in the determination of rights, privileges, and obligations of members of the public in dealing with the Library. This facility shall be open to the public from 8:30 a.m. to 4:30 p.m., except Saturdays, Sundays, and Holidays.

(b) The materials to be available in the public reading facility shall be selected by the General Counsel after consultation with the heads of divisions or offices which may be concerned.

(c) There shall be maintained in the reading facility for public use a current index of materials available in the reading facility.

### § 703.6 Fees.

(a) Fees charged by the Library for the search for and duplication of any records requested shall comply with the following fee schedule:

(1) *Search for records.* There shall be a fee of \$7 per hour when the search is conducted by a clerical employee and \$10 per hour when the search is conducted by a professional employee. There shall be no charge for searches of less than one hour. In situations involving the use of computers to locate and extract the requested information, charges shall be based on the direct cost to the Library, including labor, material, and computer time.

(2) *Duplication of records.* Records shall be duplicated in accordance with prevailing rates established by the Photoduplication Service and by the Automated Systems Office in the case of machine media.

(3) *Other.* When no specific fee has been established for a service, the Associate Librarian for Management is authorized to establish an appropriate



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fee based on “direct costs” in accordance with the Office of Management and Budget Circular No. A-25.

(b) The Associate Librarian for Management may determine, in connection with specific requests for records, that the public interest is best served by the provision of the requested records at no cost or at a cost below the above fee schedule and, in those specific instances, is authorized to waive the schedule, in whole or in part.

(c) Fees actually charged a person for the search and duplication of records shall be paid in full prior to issuance of those records. Payment of fees shall be made by a personal check, postal money order or bank draft made payable to the order of the Treasurer of the United States.

[41 FR 2230, Jan. 15, 1976, as amended at 46 FR 48664, Oct. 2, 1981; 51 FR 22076, June 18, 1986]

## PART 704—NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS

### Subpart A—Films Selected for Inclusion in the National Film Registry

Sec.

704.10 Criteria for the selection of films for inclusion in the National Film Registry.

704.11 Procedures for the public to recommend films for inclusion in the National Film Registry.

704.20 Films selected for inclusion in the National Film Registry in the Library of Congress for 1989.

704.21 Films selected for inclusion in the National Film Registry in the Library of Congress for 1990.

704.22 Films selected for inclusion in the National Film Registry in the Library of Congress for 1991.

704.23 Films selected for inclusion in the National Film Registry in the Library of Congress for 1992.

704.24 Films selected for inclusion in the National Film Registry in the Library of Congress for 1993.

### Subpart B [Reserved]

AUTHORITY: Public Law 102-307, 106 Stat. 267 (2 U.S.C. 179).

### Subpart A—Films Selected for Inclusion in the National Film Registry

#### § 704.10 Criteria for the selection of films for inclusion in the National Film Registry.

(a) All of the films nominated for inclusion in the National Film Registry should reflect the mission of the National Film Registry in the Library of Congress, found in section 202 of the National Film Preservation Act of 1992 (Pub. L. 102-307), of “maintaining and preserving films that are culturally, historically or aesthetically significant.”

(b) In accordance with the intent of Congress, all of the guidelines for the selection of films in the National Film Registry are intended to be read broadly, so that as many films as possible will be eligible for inclusion in the National Film Registry.

(c) For the purposes of film selection, the term “film” means a “motion picture” as defined in the U.S. copyright law, except, that the term “film” does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disks. “Motion pictures” are defined in the copyright law as: “audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.” 17 U.S.C. 101.

(d) Films should not be considered for inclusion in the National Film Registry if no element or copy of the film exists. While the Librarian intends to promote the goals of film preservation and restoration provided for in the Act, no film will be denied inclusion in the National Film Registry because that film has already been preserved or restored.

(e) No film is eligible for inclusion in the National Film Registry until 10 years after such film’s first publication. “Publication” is defined in the copyright act as: “the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public

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performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.” 17 U.S.C. 101.

[58 FR 30708, May 27, 1993]

### **§ 704.11 Procedures for the public to recommend films for inclusion in the National Film Registry.**

(a) The public shall be informed of all open meetings of the National Film Preservation Board.

(b) A mailing address within the Library of Congress will be maintained to allow the public to make nominations of films to the Librarian and the National Film Preservation Board. All nominations should include the film title, and any other relevant information necessary to prevent confusion with similarly named titles.

(c) Materials will be available to congressional offices and members of the Board to make information available to the public regarding nominations of films. Materials will also be made available for distribution to libraries, movie theaters, and through the guilds and societies representing directors, producers, screenwriters, actors, cinematographers, film critics, film preservation organizations and representatives of academic institutions with film study programs, in order to encourage broad participation from the general public. Nominations received by the Librarian, will be forwarded to the Board to assist in the film selection process.

(d) All nominations for inclusion of films in the National Film Registry must be submitted in writing to the Librarian of Congress no later than March 30th of each year. All nominations should be mailed to: National Film Registry, Library of Congress, Washington, DC 20540.

[58 FR 30709, May 27, 1993]

### **§ 704.20 Films selected for inclusion in the National Film Registry in the Library of Congress for 1989.**

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board registers these films in the National Film registry within the Library of Congress for 1989:

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- (1) The Best Years Of Our Lives (1946)
- (2) Casablanca (1942)
- (3) Citizen Kane (1941)
- (4) The Crowd (1928)
- (5) Dr. Strangelove (or, How I Learned To Stop Worrying And Love the Bomb) (1964)
- (6) The General (1927)
- (7) Gone With The Wind (1939)
- (8) The Grapes Of Wrath (1940)
- (9) High Noon (1952)
- (10) Intolerance (1916)
- (11) The Learning Tree (1969)
- (12) The Maltese Falcon (1941)
- (13) Mr. Smith Goes to Washington (1939)
- (14) Modern Times (1936)
- (15) Nanook Of The North (1922)
- (16) On The Waterfront (1954)
- (17) The Searchers (1956)
- (18) Singin' In The Rain (1952)
- (19) Snow White And The Seven Dwarfs (1937)
- (20) Some Like it Hot (1959)
- (21) Star Wars (1977)
- (22) Sunrise (1927)
- (23) Sunset Boulevard (1950)
- (24) Vertigo (1958)
- (25) The Wizard Of Oz (1939)

(b) In keeping with section 3(c) of the Act, 2 U.S.C. 178b, the Librarian will endeavor to obtain an archival quality copy for each of these twenty-five films for the National Film Board Collection in the Library of Congress.

[55 FR 32570, Aug. 9, 1990]

### **§ 704.21 Films selected for inclusion in the National Film Registry in the Library of Congress for 1990.**

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board registers these films in the National Film Registry within the Library of Congress for 1990:

- (1) All About Eve (1950)
- (2) All Quiet On the Western Front (1930)
- (3) Bringing Up Baby (1938)
- (4) Dodsworth (1936)
- (5) Duck Soup (1933)
- (6) Fantasia (1940)
- (7) The Freshman (1925)
- (8) The Godfather (1972)
- (9) The Great Train Robbery (1903)
- (10) Harlan County, U.S.A. (1976)
- (11) How Green Was My Valley (1941)
- (12) It's A Wonderful Life (1946)
- (13) Killer Of Sheep (1977)
- (14) Love Me Tonight (1932)
- (15) Meshes Of the Afternoon (1943)
- (16) Ninotchka (1939)
- (17) Primary (1960)
- (18) Raging Bull (1980)
- (19) Rebel Without A Cause (1955)
- (20) Red River (1948)

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- (21) The River (1937)
- (22) Sullivan's Travels (1941)
- (23) Top Hat (1935)
- (24) The Treasure Of The Sierra Madre (1948)
- (25) A Woman Under The Influence (1974)

(b) In keeping with section 3(c) of the Act (2 U.S.C. 178b), the Librarian will endeavor to obtain an archival quality copy for each of these twenty-five films for the National Film Board Collection in the Library of Congress.

[55 FR 52845, Dec. 24, 1990]

### **§ 704.22 Films Selected for Inclusion in the National Film Registry in the Library of Congress for 1991.**

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board registers these films in the National Film Registry within the Library of Congress for 1991:

- (1) 2001: A Space Odyssey (1968)
- (2) Battle Of San Pietro, The (1945)
- (3) Blood Of Jesus, The (1941)
- (4) Chinatown (1974)
- (5) City Lights (1931)
- (6) David Holzman's Diary (1968)
- (7) Frankenstein (1931)
- (8) Gertie The Dinosaur (1914)
- (9) Gigi (1958)
- (10) Greed (1924)
- (11) High School (1968)
- (12) I Am A Fugitive From A Chain Gang (1932)
- (13) Italian, The (1915)
- (14) King Kong (1933)
- (15) Lawrence Of Arabia (1962)
- (16) Magnificent Ambersons, The (1942)
- (17) My Darling Clementine (1946)
- (18) Out Of The Past (1947)
- (19) Place In The Sun, A (1951)
- (20) Poor Little Rich Girl (1917)
- (21) Prisoner Of Zenda, The (1937)
- (22) Shadow Of A Doubt (1943)
- (23) Sherlock, Jr. (1924)
- (24) Tevye (1939)
- (25) Trouble In Paradise (1932)

(b) In keeping with section 3(c) of the Act, 2 U.S.C. 178b, the Librarian will endeavor to obtain an archival quality copy for each of these twenty-five films for the National Film Board Collection in the Library of Congress.

[56 FR 49414, Sept. 30, 1991]

### **§ 704.23 Films Selected for Inclusion in the National Film Registry in the Library of Congress for 1992.**

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board, registers these films in the National Film Registry within the Library of Congress for 1992:

- 1. Adam's Rib (1949)
- 2. Annie Hall (1977)
- 3. The Bank Dick (1940)
- 4. Big Business (1929)
- 5. The Big Parade (1925)
- 6. The Birth of a Nation (1915)
- 7. Bonnie and Clyde (1967)
- 8. Carmen Jones (1954)
- 9. Castro Street (1966)
- 10. Detour (1946)
- 11. Dog Star Man (1964)
- 12. Double Indemnity (1944)
- 13. Footlight Parade (1933)
- 14. The Gold Rush (1925)
- 15. Letter From an Unknown Woman (1948)
- 16. Morocco (1930)
- 17. Nashville (1975)
- 18. The Night of the Hunter (1955)
- 19. Paths of Glory (1957)
- 20. Psycho (1960)
- 21. Ride the High Country (1962)
- 22. Salesman (1969)
- 23. Salt of the Earth (1954)
- 24. What's Opera, Doc? (1957)
- 25. Within Our Gates (1920)

(b) In keeping with section 206(a) of the Act, 2 U.S.C. 179d(a), the Librarian shall endeavor to obtain an archival quality copy for each of these twenty-five films for the National Film Registry Collection of the Library of Congress.

[59 FR 35034, July 8, 1994]

### **§ 704.24 Films Selected for Inclusion in the National Film Registry in the Library of Congress for 1993.**

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board, registers these films in the National Film Registry within the Library of Congress for 1993:

- 1. An American in Paris (1951)
- 2. Badlands (1973)
- 3. The Black Pirate (1926)
- 4. Blade Runner (1982)
- 5. Cat People (1942)
- 6. The Cheat (1915)
- 7. Chulas Fronteras (1976)
- 8. Eaux D'Artifice (1953)
- 9. The Godfather, Part II (1974)

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10. His Girl Friday (1940)
11. It Happened One Night (1934)
12. Lassie Come Home (1943)
13. Magical Maestro (1952)
14. March of Time: Inside Nazi Germany—1938 (1938)
15. A Night at the Opera (1935)
16. Nothing But a Man (1964)
17. One Flew Over the Cuckoo's Nest (1975)
18. Point of Order (1964)
19. Shadows (1959)
20. Shane (1953)
21. Sweet Smell of Success (1957)
22. Touch of Evil (1958)
23. Where Are My Children? (1916)
24. The Wind (1928)
25. Yankee Doodle Dandy (1942)

(b) In keeping with section 206(a) of the Act, 2 U.S.C. 179d(a), the Librarian shall endeavor to obtain an archival quality copy for each of these twenty-five films for the National Film Registry Collection of the Library of Congress.

[59 FR 35035, July 8, 1994]

### Subpart B [Reserved]

## PART 705—FINANCIAL ADMINISTRATION

AUTHORITY: 5 U.S.C. 5514 and 5 CFR 550.1101.

### § 705.1 Salary offset

(a) *Purpose.* This part describes the rights of current and former staff members in the collection of debts owed to the Federal Government by them and sets out the procedures for collecting debts through deductions from their pay following due process.

(b) *Definitions.*—(1) *Debt* is an amount owed to the U.S. Government from insured or guaranteed loans, fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

(2) *Disposable pay*, for purposes of this part, means that part of current basic pay, special pay, incentive pay, retirement pay, retainer pay, or other authorized pay remaining after the deduction of any amount required by law to be withheld, such as Federal taxes, retirement, court-ordered payments, and FICA.

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(3) *Staff member* refers to current and former employees who owe debts to the Library and/or other Federal Government agencies.

(c) *Procedures.*—(1) *Notification of indebtedness.* The Director of Human Resources, or designee, shall notify the staff member, in writing, of the individual's indebtedness to the Library and the intention of the Library to collect this debt by deductions from the individual's pay. This notice shall be given not less than 30 days before any deduction is made. This notice shall state, at a minimum:

(i) The Library's determination that a debt is owed, including the origin, nature, and amount of the debt;

(ii) The Library's intention to collect the debt by means of deduction from the staff member's disposable pay account;

(iii) The amount, frequency, proposed beginning date, and duration of the intended deductions;

(iv) An explanation of the Library's policy concerning interest, penalties, and administrative costs, including a statement that such assessments must be made unless excused;

(v) The staff member's right to inspect and to copy Government records relating to the debt or, if he or she or his or her representative cannot personally inspect the records, to request and receive a copy of such records;

(vi) If not previously provided, the opportunity (under terms agreeable to the Library) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for the repayment of the debt in lieu of offset (the agreement must be in writing, signed by both the staff member and the Library, and documented in the Library's files);

(vii) The staff member's right to a hearing conducted by an official arranged for or engaged by the Library (an administrative law judge or, alternatively, a hearing official not under the control of the Librarian of Congress) if a petition is filed as prescribed by the Library;

(viii) The method and time period for petitioning for a hearing;

(ix) That the timely filing of a petition for hearing will stay the commencement of collection proceedings;

(x) That a final decision on the hearing, if one is requested, will be issued at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing unless the staff member requests and the hearing official grants a delay in the proceedings;

(xi) That any knowingly false or frivolous statements, representations, or evidence may subject the staff member to

(A) Disciplinary procedures appropriate under Library of Congress Regulation 2020-3, or any other applicable regulations or statutes,

(B) Penalties under the False Claim Act, Section 3729 of Title 31, U.S. Code, or any other applicable statutory authority, or

(C) Criminal penalties under Sections 286, 287, 1001, and 1002 of Title 18, U.S. Code, or any other applicable statutory authority;

(xii) Any other rights and remedies available to the staff member under statutes or regulations governing the program for which the collection is being made;

(xiii) Unless there are applicable contractual or statutory provisions to the contrary, that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the staff member;

(xiv) That if the staff member elects not to contest the determination of indebtedness or the amount or the terms of a repayment schedule, the staff member may still wish to exercise the right to request a waiver of the collection of the indebtedness pursuant to the provisions of Library of Congress Regulation 1556, *Claims* (if the amount of the indebtedness exceeds \$1,500, the staff member should be advised that a final determination must be made by the Comptroller General of the United States); and

(xv) That any involuntary payments already made or withheld from salary of any portion of the indebtedness will not be construed as a waiver by the staff member of any rights that he or she may have under this part.

(2) *Amount of deduction.* If possible, the debt shall be collected in one lump sum. If multiple deductions are nec-

essary, however, the amount deducted from a staff member's pay for any single period will not exceed 15 percent of disposable pay, except that a greater percentage may be deducted upon the written consent of the individual involved. The staff member may enter into a written agreement for a repayment schedule different from that proposed so long as the terms are approved by the Library. If the individual retires or resigns or if his or her employment otherwise ends before collection of the amount of the indebtedness is completed, deduction shall be made from subsequent payments of any nature due the individual.

(3) *Petitions for hearing.* (i) To elect a hearing, the staff member must notify the Director, Human Resources, no later than 15 days after the receipt of the notification of indebtedness. A timely filing of a petition for hearing will stay any further commencement of collection proceedings. A final decision on the hearing will be issued at the earliest practicable date, but not later than 60 days after the filing of petition, unless the individual requests and the hearing official grants a delay in the proceedings.

(ii) The petition or statement must be signed by the staff member and must fully identify and explain with reasonable specificity all the facts, evidence, and witnesses, if any, which he or she believes supports his or her position.

(iii) Petitions for hearings made later than 15 days after the receipt of the notification of indebtedness will be accepted provided the staff member can show that the delay was because of circumstances beyond his or her control or because of failure to receive notice of the time limit (unless otherwise aware of it).

(4) *Form of hearings and final decisions.* (i) The staff member shall be provided an appropriate hearing as decided by the hearing official, based on the nature of the transactions giving rise to the debt. The hearing official shall be guided by the procedures set out in 4 CFR 102.3(c) in deciding on the type of hearing to provide.

(ii) A written decision will be provided to the staff member and must, at a minimum, state the fact(s) purported

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to support the nature and origin of the alleged debt; the hearing official's analysis, findings, and conclusions, in light of the hearing, as to the staff member's or the Library's grounds; the amount and validity of the alleged debt; and, where applicable, the repayment schedule.

(d) *Creditor agency is not the Library of Congress.* When the Library receives from a creditor agency a debt claim properly certified in accordance with 5 CFR 550.1108(a), deductions shall be scheduled to begin at the next officially established pay interval. The Director, Human Resources, shall provide the employee with written notice stating that the Library has received a certified debt claim from the creditor agency (including the amount) and written notice of the date deductions from salary will commence and of the amount of such deductions. When the Library receives an incomplete debt claim from a creditor agency, the Director, Human Resources, shall return the debt claim with a written notice that procedures under 5 U.S.C. 5514

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must be followed and a properly determined debt claim received before action will be taken to collect from the employee's pay account.

(e) *Exclusions and exceptions.* (1) This part does not apply to debts where collection of the debt is explicitly provided for or prohibited by another statute, or to debts of \$1 or less, which, it is hereby determined, is not cost effective to attempt to collect (65 Comp. Gen. 843, September 29, 1986).

(2) An exception to the entitlement of notice, hearings, written responses, and final decisions provided for under paragraph (c) of this section is made for overpayments arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

[59 FR 38367, July 28, 1994]

**PARTS 706—799 [RESERVED]**